UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/874,274	06/06/2001	Tandy G. Willeby	017402.000006	5164

25883 7590 08/24/2006

HOWISON & ARNOTT, L.L.P
P.O. BOX 741715
DALLAS, TX 75374-1715

EXAMINER	
KLIMACH, PAULA W	

ART UNIT	PAPER NUMBER
2135	

DATE MAILED: 08/24/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/874,274	WILLEBY, TANDY G.	
	Examiner	Art Unit	
	Paula W. Klimach	2135	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *21 June 2006*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *44-70* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *44-70* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This office action is in response to amendment filed on 06/21/06. Applicant added Claims 44-70 and cancelled Claims 1-43. The amendment filed on 06/21/06 have been entered and made of record. Therefore, presently pending claims are 44-70.

Response to Arguments

Applicant's arguments filed 06/21/06 have been fully considered but they are not persuasive because of following reasons.

Applicant argued "...each icons are selected before transmission of the selected icons from the client to the server." The examiner is assuming that the applicant meant "all icons are selected before transmission of the selected icons from the client to the server." This is not found persuasive. As indicated in the rejection below Jalili does disclose each icon selected and then transmitting the selected icons from the client to the server (Fig. 9). In the figure Jalili indicates, in part 940, that ICON information is transmitted. This is in the singular not in the plural. Jalili teaches the security code comprising more than one icon (column 8 lines 20-32) and therefore the information on the icon location is transmitted one icon at a time as shown in Fig. 9.

Applicant argues further that Mizoguchi does not receive different configurations of the elements of the graphical image from the server after each selection of each element. This is not found persuasive. Mizoguchi displays a different page of selections after each selection (page 2

paragraph 0022); since the frames change then the configuration of the elements, of the graphical image from the server after each selection of each element, changes.

Applicant argues further that the references do not teach the transmission from the server to the client is initiated responsive to indication of an end of input. This is not found persuasive. As discussed above, Jalili teaches the selection and then transmission of icon information. The result of the above argument and the combination with Mizoguchi is that the combination of Jalili and Mizoguchi teach the transmission from the server to the client is initiated responsive to indication of an end of input.

The examiner is not trying to teach the invention but is merely trying to interpret the claim language in its broadest and reasonable meaning. The examiner will not interpret to read narrowly the claim language to read exactly from the specification, but will interpret the claim language in the broadest reasonable interpretation in view of the specification. Therefore, the examiner asserts that Jalili and Mizoguchi do teach or suggest the subject matter broadly recited in independent Claims 44, 54, 65, and 70. Dependent Claims 45-53, 55-64, and 66-69 are also rejected at least by virtue of their dependency on independent claims and by other reason set forth in this office action.

Claim Objections

Claim 44 is objected to because of the following informalities:

Line 7 reads, "transmitting after each selection of each of the multiple points in the graphical image coordinates associated..."

It should read, "transmitting, after each selection of each of the multiple points in the graphical image, coordinates associated..." Appropriate correction is required.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claim 65-70 are rejected under 35 U.S.C. 102(e) as being anticipated by Jalili (6,209,104 B1).

In reference to claim 65 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). The system of Jalili comprises receiving after each selection of each of multiple points in a graphical image including a number of elements, coordinates associated with a portion of the security code at the server over a connection, the coordinates further associated with such selection of such point (column 8 lines 1-15); processing the coordinates received after each selection of each of the multiple points in the graphical image to determine the portion of

the security code associated with the coordinates (Fig. 9); and validating the security code upon receiving all portions of the security code (column 10 lines 7-15).

In reference to claim 66 the system of Jalili further includes the step of processing the coordinates received after a last selection of coordinates to determine receipt of a completion code associated with the coordinates (column 8 lines 1-15).

In reference to claim 67 Jalili suggests a system wherein the security code includes a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as i_n, where n is a variable.

In reference to claim 68 Jalili discloses generating each of the different configurations of the elements after each selection of each of the multiple points; and transmitting each of different configurations of the elements from the server (Fig. 9).

In reference to claim 69 comprising the step of authenticating a user based on the validation of the security code (column 10 lines 7-15).

In reference to claim 70 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). Jalili discloses displaying a graphical keypad at the client responsive to a transmission from the server (Fig. 9 in combination with Fig. 5); and detecting selection of a key in the graphical keypad by a user (column 8 lines 42-54). In reference to storing the selection if the selection does not indicate an end of input and repeating steps (a) and (b); and (d) sending stored selections to the server if the selection does not indicate the end of input, Jalili suggest storing the selection in figure 6 and figure 9, since the coordinates of the icon are sent to the server and then the comparator in the server determines whether the password is the password that is stored.

The applicant's specification discloses the information in the same way. On page 8 paragraphs 0032 and 0033, "the client returns to the server the coordinate or code representing the coordinate, within the image, that the user selected. The server will convert this coordinate to the corresponding character." This does not disclose the server saving the received information. In figure 9, Jalili discloses an icon location being transported to the server 920 rather than icons therefore the locations of the icons are sent one at a time and repeated until complete.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 44-64 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jalili in view of Mizoguchi (2004/0030934 A1).

In reference to claim 44 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). Jalili further discloses a system for establishing a connection between the client and the server (Fig. 1); transmitting after each selection of each of the multiple points in the graphical image coordinates associated with a portion of the security code from the client to the server over the connection, the coordinates further associated with such selection of such point (column 7 line 62 to column 8 line).

Although Jalili discloses detecting selection of multiple points in a graphical image including a number of elements displayed at the client (column 7 lines 46-61), the number of elements in Jalili is not positioned in a different configuration after each selection of each of the multiple.

Mizoguchi discloses a password interface application presents successive arrays of images or other sensory cue for display or playback on a client device (abstract). Mizoguchi discloses a system that uses a number of elements that are positioned in a different configuration after each selection of each of the multiple points (Fig. 2 and 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to change the position in a different configuration after each selection of each of the multiple points as in Mizoguchi in the system of Jalili. One of ordinary skill in the art would have been motivated to do this because it would increase the difficulty of guessing the correct secure code values by increasing the number of incorrect points.

In reference to claim 45 Jalili further discloses the step of transmitting after a last selection coordinates associated with a completion code for the security code (column 8 lines 20-32).

In reference to claim 46 Jalili further discloses the system wherein the security code includes a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as i_n, where n is a variable.

In reference to claim 47 Jalili further discloses including the step of receiving the different configuration of the elements within the graphical image from the server after each selection of each of the multiple points (Fig. 5).

In reference to claim 48 Jalili discloses a system wherein the security code comprises a PIN (column 8 lines 20-23).

In reference to claim 49 Jalili discloses a system wherein the graphical image comprises a keypad (column 6 lines 65-67).

In reference to claim 50 Jalili discloses a system wherein the graphical image representing a keypad includes a different pseudorandom arrangement of keys after each selection of each of the multiple points (column 6 lines 54-64).

In reference to claim 51 Jalili discloses a system wherein the coordinates corresponds to a cursor position (column 8 lines 42-54).

In reference to claim 52 the system of Jalili further comprising the step of receiving a confirmation of an authentication of a user at the client based on the security code (column 9 lines 40-57).

In reference to claim 53 Jalili discloses a system wherein the elements of the graphical image are alpha-numeric characters (column 8 lines 20-31).

In reference to claim 54 Jalili discloses a secure data entry and visual authentication system that allows a user to securely input and communicate data, including passwords (abstract). Jalili discloses a system for establishing a connection between the client and the server (Fig. 1); transmitting after each selection of each of the multiple points in the graphical image coordinates associated with a portion of the security code from the client to the server over

the connection, the coordinates further associated with such selection of such point (column 7 line 62 to column 8 line 15); processing the coordinates received after each selection of each of the multiple points in the graphical image to determine the portion of the security code associated with the coordinates (Fig. 6); and validating the security code upon receiving all portions of the security code (column 8 lines 1-15).

Although Jalili discloses detecting selection of multiple points in a graphical image including a number of elements displayed at the client (column 7 lines 46-61), the number of elements in Jalili is not positioned in a different configuration after each selection of each of the multiple.

Mizoguchi discloses a password interface application presents successive arrays of images or other sensory cue for display or playback on a client device (abstract). Mizoguchi discloses a system that uses a number of elements that are positioned in a different configuration after each selection of each of the multiple points (Fig. 2 and 3).

At the time the invention was made, it would have been obvious to a person of ordinary skill in the art to change the position in a different configuration after each selection of each of the multiple points as in Mizoguchi in the system of Jalili. One of ordinary skill in the art would have been motivated to do this because it would increase the difficulty of guessing the correct secure code values by increasing the number of incorrect points.

In reference to claim 55 Jalili discloses including the step of transmitting after a last selection coordinates associated with a completion code for the security code (column 8 lines 20-32).

In reference to claim 56 Jalili discloses further including the step of processing the received after a last selection of coordinates to determine receipt of a completion code associated with the coordinates (column 8 lines 1-15).

In reference to claim 57 Jalili discloses a system wherein the security code includes a variable length security code. Jalili suggests a security code of variable length (column 7 lines 45-55) because the representation of the last code is written as i_n, where n is a variable.

In reference to claim 58 Jalili discloses generating each of the different configurations of the elements after each selection of each of the multiple points (Fig. 6 and Fig. 7); and transmitting each of the different configurations of the elements from the server (Fig. 9).

In reference to claim 59 Jalili discloses a system wherein the security code comprises a PIN (column 8 lines 20-25).

In reference to claim 60 Jalili discloses a system wherein the graphical image comprises a keypad (column 6 lines 65-67).

In reference to claim 61 Jalili discloses a system wherein the graphical image representing a keypad includes a different pseudorandom arrangement of keys after each selection of each of the multiple points (column 6 lines 54-64).

In reference to claim 62 Jalili discloses a system wherein the coordinates correspond to a cursor position (column 8 lines 42-54).

In reference to claim 63 Jalili discloses a system further comprising the step of authenticating a user based on the validation of the security code (column 10 lines 7-15).

In reference to claim 64 Jalili discloses a system wherein the elements of the graphical image are alpha-numeric characters (column 8 lines 20-31).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paula W. Klimach whose telephone number is (571) 272-3854. The examiner can normally be reached on Mon to Thr 9:30 a.m to 5:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kim Vu can be reached on (571) 272-3859. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PWK
Monday, August 21, 2006

KIM VU
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100